

# **ATTACHMENT G**

1 IN THE CIRCUIT COURT OF MILWAUKEE COUNTY

2 STATE OF WISCONSIN

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4 WISCONSIN HOUSING AND ECONOMIC  
5 DEVELOPMENT AUTHORITY,

6 Plaintiff,

7 v.

Case No. 07-CV-013965

8 TRI-CORP HOUSING, INC.,

9 Defendants and Third-Party  
Plaintiff,

10 COMMUNITY BANK GROUP f/k/a LINCOLN  
11 COMMUNITY BANK, RELIABLE WATER SERVICES, LLC,  
12 MILWAUKEE COUNTY HOME REPAIR, AND  
ZIGNEGO READY MIX, INC.,

13 Added Defendants,

14 v.

15 WISCONSIN HOUSING AND ECONOMIC  
16 DEVELOPMENT AUTHORITY AND  
ROBERT BAUMAN, ALDERMAN,

17 Third-Party Defendants.  
18 -----

19 Deposition of MICHAEL S. BREVER

20 March 10, 2009

21 10:00 a.m.

22 GONZALEZ SAGGIO & HARLAN LLP

23 225 East Michigan Street

24 Milwaukee, Wisconsin

25 Reported by David J. Sikora, RPR, RMR, CRR

1 P R O C E E D I N G S

2 MICHAEL S. BREVER was called as a witness  
3 herein, having been first duly sworn on oath, was  
4 examined and testified as follows:

5 (Exhibit Numbers 1 and 2 were marked for  
6 identification)

7 EXAMINATION

8 BY MR. KRILL:

9 Q Mr. Brever, would you state your full name for the  
10 record?

11 A My name is Michael Stephen Brever.

12 Q And, Mr. Brever, what is your current occupation?

13 A I'm the executive director of Tri-Corp Housing.

14 Q Is that a corporation?

15 A It is.

16 Q And how long have you been the executive director?

17 A Tri-Corp was created in 1998, and I was the initial  
18 executive director.

19 Q I want to show you -- we have Exhibits Number 1 and  
20 2. Exhibit Number 1 is the notice for your  
21 deposition?

22 A Okay.

23 Q Yes?

24 A Yes.

25 Q And you're appearing today pursuant to that notice,

1 rejected in 2007, correct?

2 A Yes.

3 Q And, similarly, Exhibit Number 11 is another -- is a  
4 payment being rejected in April of 2007 for the  
5 Packard Hall property, correct?

6 A I'm sorry, what number are you on now?

7 Q Eleven. Nine, 10, 11. You got 11?

8 A I do. You're referencing it as the Packard Hall  
9 payment. I'm not certain I see any reference to  
10 that.

11 Q I've got the wrong one. Exhibit Number 11 is an  
12 E-mail exchange between you and Dan Prast of WHEDA.  
13 And this regards, generally, defaults in your  
14 mortgage payments, generally, correct?

15 A Delays, yes.

16 Q Delays. Okay. All right. So we have the spring of  
17 2007, and there are a series of delayed payments and  
18 ACH rejections in payments made by Tri-Corp to WHEDA  
19 for the various loans that were outstanding,  
20 correct?

21 A Yes.

22 Q And then is it not true, Mr. Brever, that there  
23 actually was a formal default with respect to the  
24 May payment that was due on the Samaria loan?

25 MR. MACHULAK: Let me object to the question

1 as being vague, and perhaps asking for a legal  
2 question. What do you mean by a formal default?

3 MR. KRILL:

4 Q Well, let me say this. Let me just say this.  
5 Tri-Corp did not make the payment due for the month  
6 of June, 2007 for the Samaria loan, did it?

7 A I'm not sure. I thought it was July, the date that  
8 we're talking about.

9 Q Okay.

10 MR. KRILL: Mark this as Exhibit Number 12.  
11 (Exhibit Number 12 was marked for  
12 identification)

13 MR. KRILL:

14 Q Exhibit Number 12 is a letter dated July 2, 2007 to  
15 you from Nelson Flynn of WHEDA, is it not?

16 A It would appear to be that, yes.

17 Q And that letter is actually a notice of default, is  
18 it not?

19 A It is.

20 Q And this is a notice of default that WHEDA gave you  
21 with respect to the Samaria loan, isn't that true?

22 A Yes.

23 Q And is there anything -- let's look at the first  
24 paragraph of this notice of default on Exhibit  
25 Number 12. WHEDA sets out the nature of the